

2001P05313WOUS  
Walter Rosenbaum et al.**REMARKS*****Claim Status***

After entry of this Amendment, Claims 14 – 41 are pending, wherein Claims 31 – 41 are withdrawn. Claims 1 – 13 have been previously cancelled. By this Amendment, Applicants amend Claims 14, 15, 21 – 25 and 27 – 30, and cancels Claims 17 and 20. No new matter is added.

***Claim Rejections - 35 U.S.C. § 112***

The Examiner rejects Claims 14 – 30 under 35 U.S.C. § 112, 1<sup>st</sup> paragraph, as failing to comply with the written description requirement. More particularly, the Examiner asserts that the Claim 15 limitation “rejecting said parcel if said franking number and delivery data are not located or said time period is expired said measure” lacks support in the original specification. Claim 15 is amended as set forth in the above listing of claims to avoid the limitation the Examiner cites.

In view of amended Claim 15, Applicants respectfully request the Examiner to reconsider and withdraw the instant rejection under 35 U.S.C. § 112, 1<sup>st</sup> paragraph.

***Claim Rejections - 35 U.S.C. § 102***

The Examiner rejects Claims 14 – 18, 21, 25, 26, 29 and 30 under 35 U.S.C. § 102 (e) as being anticipated by Fredman (U.S. Pat. No. 6,526,393). Hence, the Examiner asserts that Fredman discloses each and every limitation of independent Claim 14. Applicants respectfully traverse.

In rejecting these claims, the Examiner asserts, e.g., that Fredman discloses with reference to Figs. 2 and 3 and corresponding description generating a human readable franking number. Claim 14 not only defines generating a human readable franking number, but also that the franking number is associated with the delivery data. Applicants note that the Examiner does not address this aspect of Claim 14.

Fig. 2 shows a stamp with a number “G534...” and Fig. 3 shows a shipping label having a tracking number. Fredman, however, does not refer to Figs. 2 and 3 in the detailed description, and does not explain details as to the meaning or purpose of the number “G534...” or the tracking number. Fredman describes that a customer that wants to use the time controlled prepaid delivery opens an account with the USPS, gets a permit, preprints envelopes with his permit number and an expiration

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date, and sends the preprinted envelopes as enclosures to his invoice mailings to his customers. (Col. 4, lines 33 – 64.)

Assuming the Examiner views the permit number as a franking number, Applicants note that every preprinted envelope includes the same permit number. Further, the franking request is made by the customer that sends the preprinted envelopes together with invoices to his customers; the permit number, however, is not associated with the customers receiving the preprinted envelopes. Therefore, Fredman's method based on the permit number is not parcel specific, which is contrary to the claimed invention. Therefore, Fredman does not disclose generating a franking number for said parcel, wherein the franking number is associated with the delivery data.

In view of the foregoing, Applicants submit that Fredman and the claimed invention are based on different concepts, and respectfully submit that Fredman does not anticipate Claim 14. However, to expedite examination and allowance of the present application, Applicants amend Claim 14, as set forth in the above listing of claims. The dependent claims are amended to provide for consistency with amended Claim 14.

More particularly, amended Claim 14 defines a method of franking and processing deliveries that includes receiving at a dispatch service a franking request from a customer relating to an anticipated delivery from the customer to a recipient, wherein the request includes delivery data including an address of the recipient of the delivery. A franking number for this delivery is generated in association with the delivery data. The franking number and the associated delivery data are stored in a database, and a validity time period is assigned to the franking number. The franking number is transferred from the dispatch service to the customer for application by the customer in human readable form to the delivery to be transported by the dispatch service. The delivery to be transported by the dispatch service carries the franking number and the recipient address. The franking number is used during processing of the delivery to access the delivery data in the database to determine whether a read recipient address on the delivery corresponds to the delivery data associated with the franking number.

These amendments to Claim 14 further distinguish the claimed subject matter over Fredman, and are believed to place the application in condition for allowance.

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Fredman is discussed above. In addition to the above, Fredman does not disclose or suggest receiving at a dispatch service a franking request from a customer relating to an anticipated delivery from the customer to a recipient, wherein the request comprises delivery data including an address of the recipient of the delivery. Again, Fredman's request for a permit number (if viewed, for the sake of this discussion, as a franking number) is not related to an anticipated delivery (e.g., Fredman's invoices to which the preprinted envelopes are enclosed), and does not include the addresses of the recipients of the deliveries (e.g., the plumber's customers receiving in Fredman's example the invoice mailings).

Further, for example, Fredman does not disclose or suggest using the franking number during processing of the delivery to access the delivery data in the database to determine whether a read recipient address on the delivery corresponds to the delivery data associated with the franking number. Fredman's permit number is used for billing purposes. (Col. 4, lines 64 – 66.) Fredman, however, is silent as to using the permit number to access the delivery data, as specified in amended Claim 14.

In view of the foregoing, Applicants respectfully submit that Fredman at least fails to disclose or suggest the above discussed limitation of amended Claim 14. Therefore, Fredman does not disclose or suggest each and every limitation recited in amended Claim 14, and, consequently, does not anticipate the subject matter of amended Claim 14. Applicants respectfully request the Examiner to reconsider the rejections under 35 U.S.C. § 102(e) and to pass amended Claim 14 to allowance.

Claims 15 – 30 depend from Claim 14. For this reason and because of the additional features recited in the dependent claims, Applicants respectfully submit that Fredman does not anticipate Claims 15 – 30. Applicants respectfully request the Examiner to pass Claims 15 – 30 to allowance.

#### ***Claim Rejections – 35 U.S.C. §103***

Under 35 U.S.C. § 103(a), the Examiner rejects dependent Claims 19 and 22 – 24 as being unpatentable over Fredman, and Claims 27 and 28 as being unpatentable over Fredman in view of Bilibn (U.S. Publ. No. 2005/0197892). Applicants respectfully traverse.

Claims 19 and 22 – 24 depend from Claim 14, which is believed to be patentable. The above arguments are repeated herein. Bilibn does not provide the

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missing teachings in Fredman to anticipate nor render obvious Claim 14. Accordingly, at least for the above reasons, Claims 19 and 22 – 24 are also allowable and reconsideration and withdrawal of the rejections are respectfully requested.

#### CONCLUSION

The present response is intended to correspond with the Revised Amendment Format. Should any part of the present response not be in full compliance with the requirements of the Revised Amendment Format, the Examiner is asked to contact the undersigned for immediate correction.


For the above reasons, Applicants respectfully submit that the application is in condition for allowance, and such allowance is herewith respectfully requested.

Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 502464 referencing attorney docket number 2001P05313WOUS.

Respectfully submitted,

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John P. Musone  
Attorney for Applicants  
Registration No. 44,961  
Tel: (407) 736 6449  
Customer No.: 28204